

**2942. Adulteration and misbranding of prophylactics. U. S. v. 35 Gross \* \* \***  
(F. D. C. No. 27454. Sample No. 33435-K.)

**LIBEL FILED:** July 7, 1949, Northern District of California.

**ALLEGED SHIPMENT:** On or about June 4, 1949, by Hughes Products, Inc., from Memphis, Tenn.

**PRODUCT:** 35 gross of *prophylactics* at San Francisco, Calif. Examination of samples showed that 4.86 percent were defective in that they contained holes.

**LABEL, IN PART:** "Texide Prophylactic \* \* \* Manufactured by L. E. Shunk Latex Prod., Inc., Akron, Ohio."

**NATURE OF CHARGE:** Adulteration, Section 501 (c), the quality of the article fell below that which it purported or was represented to possess.

Misbranding, Section 502 (a), the label statements "Prophylactic" and "Tested \* \* \* For Your Protection" were false and misleading as applied to an article containing holes.

**DISPOSITION:** August 25, 1949. Default decree of condemnation and destruction.

#### **DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS\***

**2943. Misbranding of Sugretus and dehydrated wild carrot. U. S. v. Albert D. Davis (Universal Health Foods). Motion denied for dismissal of information. Plea of nolo contendere. Imposition of sentence suspended and defendant placed on probation for 2 years. (F. D. C. No. 24219. Sample Nos. 39567-H, 24601-K.)**

**INFORMATION FILED:** February 13, 1948, Eastern District of Michigan, against Albert D. Davis, trading as Universal Health Foods, Van Dyke, Mich.

**ALLEGED SHIPMENT:** On or about May 29 and September 9, 1947, from the State of Michigan into the State of Wisconsin.

**LABEL, IN PART:** "Tablets Sugretus \* \* \* Contains: Vitamin B<sub>1</sub> (Thiamin Chloride) and Vitamin B<sub>2</sub> (Riboflavin) in a base of powdered Spineless Cactus (*Opuntia Frarlis*) with excipients Manufactured & Distributed By Dailey's Laboratories 3680 University Ave. San Diego, Calif." and "Dehydrated Wild Carrot \* \* \* Universal Health Foods."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements in a leaflet headed "Freed From Insulin Diabetics Find New Help" and in a letter dated September 13, 1946, headed "Dr. Julia Bryant McGee Chiropractor," accompanying the *Sugretus*, and in leaflets entitled "Goodbye Insulin New Hope for Diabetics" and "Good News for All Who Are 'Afraid of Starch and Sugar,'" accompanying the *dehydrated wild carrot*, were false and misleading. The statements represented and suggested that the articles would be efficacious in the cure, mitigation, and treatment of diabetes, whereas the articles would not be efficacious for such purposes.

**DISPOSITION:** On March 22, 1948, a motion to dismiss the information was filed on behalf of the defendant on the grounds that the leaflets and other printed matter did not actually physically accompany the products nor were made a part of the labels of the articles. On October 29, 1948, the motion was denied. Thereafter, a plea of nolo contendere was entered, and on September 30, 1949,

\*See also Nos. 2931-2933, 2935, 2939, 2942.